

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

APR 10 2009

*[Signature]*  
CLERK

\*\*\*\*\*  
UNITED STATES OF AMERICA,

CR. 07-40083-01

Plaintiff,

vs.

ORDER

ESTEBAN RUIZ-CHAVEZ,

Defendant.  
\*\*\*\*\*

The Government has made a motion for reconsideration of the Court's denial of its motion to continue the trial for two weeks. Based upon the information in the motion for reconsideration, the Court grants the motion to continue as the witness in question is a material witness who does appear to be evading law enforcement. Attorney Amiotte had advised the Court of the schedule of co-counsel as follows:

April 20 - 5-8 day jury trial in state court  
May 4 - 2-3 week jury trial in Minnesota federal district court  
May 26 - 5 day jury trial in state court  
June 15 - 2 week jury trial in Minnesota federal district court

In all of the trials except the one beginning May 4, the defendants are in custody so there are likely to be some Speedy Trial issues.

Due to a lengthy murder trial in Rapid City, South Dakota, commencing on May 12, another trial starting in Rapid City on April 28, and other hearings starting on May 4, this Court is not available until June 16 for this trial. Accordingly, this Court contacted Judge Jones this morning and Judge Jones can try this case starting on June 2, June 9 or June 16. Counsel for the defense should advise this Court of which date they wish to commence the trial in front of Judge Jones. The Court recognizes that Defendant has a speedy trial objection to this continuance and finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial and failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion.

Accordingly, it is hereby

ORDERED that the Government's Motion for Reconsideration of Motion to Continue Trial (Doc. 232) is GRANTED and the jury trial scheduled for April 14, 2009, is continued pending further order of the Court.

Dated this 10<sup>th</sup> day of April, 2009.

BY THE COURT:



Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, Clerk

By Shelly Margalies, Deputy